PART IV

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

GOVERNMENT OF KARNATAKA

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 16 LCA 1978.

Bangalore dated 1st March 1978.

Ordered that the Inland Steam-Vessels (Amendment) Act, 1977 published in Part II, Section 1 of the Gazette of India, Extraordinary dated 7th December 1977 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

A. NEELAKANTARYA,
Under Secretary to Government,
Deptt. of Law and Parly. Affairs.

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Assented to on 7th December 1977 Act No. 35 of 1977

THE INLAND STEAM-VESSELS (AMENDMENT) ACT, 1977

AN

Act

further to amend the Inland Steam-vessels Act, 1917.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows :—

1. **Short title and commencement** :—(1) This Act may be called the Inland Steam-vessels (Amendment) Act, 1977.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. **Amendment of long title** :—In the Inland Steam-vessels Act, 1917 (1 of 1917). (hereinafter referred to as the principal Act), in the long title, for the words "Inland Steam-vessels", the words "Inland Vessels" shall be substituted.

3. **Amendment of preamble** :—In the preamble to the principal Act, for the words "inland steam-vessels", the words "inland vessels" shall be substituted.

4. **Amendment of section 1.**—In section 1 of the principal Act, in sub-section (1), for the words "Inland Steam-vessels", the words "Inland Vessels" shall be substituted.

5. **Substitution of references to steam vessel by mechanically propelled vessel.**—Throughout the principal Act, except in the long title, preamble and section 1, for the words "steam-vessel" and "steam-vessels" wherever they occur, the words "mechanically propelled vessel" and "mechanically propelled vessels" shall, respectively, be substituted.

6. **Amendment of Section 2:**—Section 2 of the principal Act shall be renumbered as sub-section (1) thereof, and—

(i) in sub-section (1) as so renumbered—

(a) for clause (1), the following clause shall be substituted, namely:—

(a) "inland vessel" or "inland mechanically propelled vessel" means a mechanically propelled vessel which ordinarily plies on any inland water;';

(b) clause (2) shall be lettered as clause (b):

(c) after clause (b) as so lettered, the following clause shall be inserted, namely:—

'(c) "mechanically propelled vessel" means every description, of vessel popelled wholly or in part by electricity, steam or other mechanical power;';

(d) clauses (3) and (4) shall be lettered as clauses (d) and (e) respectively;

(e) clause (5) shall be omitted;

(f) clauses (6), (7) and (8) shall be lettered as clauses (f), (g) and (h) respectively;

(ii) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) Any reference to the Inland Steam-vessels Act, 1917, (1 of 1917), in any law for the time being in force or in any instrument or other document shall be construed as a reference to the Inland Vessels Act, 1917.".

7. **Amendment of Section 7:**—In section 7 of the principal Act,—

(i) in item (iii), the word "and" occurring at the end shall be omitted;

(ii) after item (iii), the following item shall be inserted namely:—

"(iiia) the nature and quantum of cargo which the mechanically propelled vessel is, in the judgement of the surveyor, fit to carry; and".

8. Amendment of section 19E.—In section 19E of the principal Act, in sub-section (2), for the words and figures "registered under the Indian Companies Act, 1913", (7 of 1913). the words and figures "within the meaning of section 3 of the Companies Act, 1956" (1 of 1956) shall be substituted.

9. Omission of section 19G.—Section 19G of the principal Act shall be omitted.

10. Amendment of section 19-I.—In section 19-1 of the principal Act,—

(i) in sub-section (2),—

(a) for the words "inland waters of more than one State", the words "inland waters of any other State" shall be substituted.

(b) the proviso shall be omitted ;

(*ii*) after sub-section (2), the following sub-section shall be inserted, namely :—

"(3) When an inland mechanically propelled vessel registered in one State has been kept in another State for a period exceeding twelve months, the owner or master of the vessel shall make an application under section 19K to the registering authority, within whose jurisdiction the vessel then is, for the transfer of registry from the registering authority of the place where the vessel is registered."

11. Amendment of section 19K.—In section 19K of the principal Act.—

(*i*) in sub-section (1), for the words "the registering authority of the place where the vessel is registered" the words "the registering authority of the State in which the vessel is kept" shall be substituted ;

(*ii*) in sub-section (2), for the words "the registering authority of the intended place of registry with a copy of all particulars relating to the vessel," the words "the registering authority of the place where the vessel is registered" shall be substituted ;

(*iii*) for sub-sections (3) and (4), the following sub-sections shall be substituted, namely :—

"(3) The certificate of registration in respect of the vessel shall be delivered upto the registering authority of the intended place or registry along with the application.

(4) On receipt of the application under sub-section (1) and the prescribed fee, if any, the registering authority of the intended place of rigistry shall enter in its register book all the particulars relating to the vessel and grant a fresh certified of registration in respect of the vessel and thence forth such vessel shall be considered as registered at the new place of registry.

(5) A State Government may make rules under section 19R requiring the owner or master of an inland mechanically propelled vessel not registered within the State which is brought into or is, for the time being in the State, to furnish to a prescribed authority in the State such information with respect to the inland mechanically propelled vessel and its registration as may be prescribed."

12. **Amendment of section 19M.**—In section 19M of the principal Act, in sub-section (1), in the proviso, for the words and figures "also registered under the Merchant Shipping Act, 1894, as amended by any subsequent enactment", the words and figures "registered or deemed to be registered under the Merchant Shipping Act, 1958". 57 and 58 Vict, c. 60. 44 of 1958. shall be substituted.

13. **Insertion of new section after section 19Q.**—After section 19Q of the principal Act, the following section shall be inserted namely;—

Mortgage of mechanically propelled vessel or share.—19QA. The provision of sections 47, 48, 49, 50, 51, 52 and 53 of the Merchant Shipping Act, 1958. 44 of 1958. shall *mutatis mutandis* apply, in relation to the mortgage of a mechanically propelled vessel as they apply in relation to ships, subject to the following modifications, namely.—

(*a*) in sections 47, 48, 49, 50, 51, 52 and 53, references to "ship", "registrar" and "register book", wherever they occur, shall, repectively, be construed as references to "mechanically propelled vessel", "registering authority" and "book of registration";

(*b*) in section 47, in sub-section (1), for the words "the registrar of the ship's port of registry shall record it in the registrer book", the words "the registering authority shall record it in the book of registeration" shall be substituted;

14. **Amendment of section 19R.**— In section 19R of the principal Act, in sub-section (2),—

(*a*) after clause (f) the following clause shall be inserted, namely :—

"(*fa*) prescribe the authority and provide for furnishing to such authority the information with respect to the inland mechanically propelled vessel and its registeration under sub-section (5) of section 19K," ;

(*b*) after clause (g), the following clause shall be inserted namely :—

"(*ga*) provide for the form of instrument creating a mortgage of a mechanically propelled vessel or a share therein or transfer of any such mortgage;".

15. Insertion of new section after section 19R.—After section 19R of the principal Act, the following section shall be inserted, namely;—

Certain certificates issued under Merchant Shipping Act to be valid under this Act.—"19S. Every certificate of registry and every certificate of servey issued in respect of a mechanically propelled vessel under the Merchant Shipping Act, 1958, 44 of 1958, shall be valid and effective as a certificate of registeration or certificate of survey, as the case may be, issued under this Act and the relevant provisions of this Act shall apply in relation to such vessel as they apply to an inland mechanically propelled vessel registered under this Act."

16 **Amendment of section 22.**—In section 22 of the principal Act, in sub-section (1), for the words and figures "before the first day of April. 1890", the words and figures "for a period of three years before the first day of November, 1956" shall be substituted.

17. Amendment of section 22A.—In section 22A of the principal Act, in sub-section (1), in clause (b), for the words and figures "certificate granted under the Indian Steamships Act, 1884 (7 of 1884)", the words and figures "certificate granted or deemed to be granted under the Merchant Shipping Act, 1958" (44 of 1958) shall be substituted.

18. Amendment of section 25.—In section 25 of the principal Act,—

(i) in clause (a), for the words and figures "certificate granted under the Indian Merchant Shipping Act. 1859, (1 of 1859) or granted under, or continued in force by, the Merchant Shipping Act, 1894", (57 & 58 Vict., c. 60) the words and figures "certificate granted or deemed to be granted under the Merchant Shipping Act, 1958" (44 of 1958) shall be substituted;

(ii) in clause (b), for the words and figures "or the Indian Steam-ships Act, 1884, (7 of 1884) or granted under, or continued in force by, the Merchant Shipping Act, 1894" (57 & 58 Vict., c. 60), the words and figures "or granted or deemed to be granted under the Merchant Shipping Act, 1958" (44 of 1958) shall be substituted.

19. Amendment of section 26.—In section 26 of the principal Act, in clause (b), for the words and figures "certificate granted under the Indian Steam-ships Act, 1884" (7 of 1884) the words and figures "certificate granted or deemed to be granted under the Merchant Shipping Act, 1958" (44 of 1958) shall be substituted;

20. Amendment of section 28.—In section 28 of the principal Act,—

(i) in clause (a), for the words and figures "certificate granted under the Indian Merchant Shipping Act, 1859, (1 of 1859) or granted under, or continued in force by, the Merchant Shipping Act, 1894",

(57 & 58 Vict., c. 60) the words and figures "certificate granted or deemed to be granted under the Merchant Shipping Act, 1958" (44 of 1958) shall be substituted;

(ii) in clause (b), for the words and figures "certificate granted under the Indian Steam-ships Act, 1884, (7 of 1884) or an engineer's certificate granted under, or continued in force by, the Merchant Shipping Act, 1894" (57 & 58 Vict., c 60.), the words and figures "certificate granted or deemed to be granted under the Merchant Shipping Act," (1958 44 of 1958) shall be substituted.

21. **Amendment of section 33.**—In sub-section (1) of section 33 of the principal Act, for the portion beginning with words "If a formal investigation" and ending with the words "the State Government may", the following shall be substituted, namely:—

" Whenever the State Government is satisfied that it is necessary or expedient to have a formal investigation into the facts of any case reported under section 32 or otherwise brought to its notice, the State Government may".

22. **Insertion of new Chapter IVA.**—After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

"CHAPTER IVA"

REMOVAL OF OBNSTRUCTION AND SIMILAR HAZARDS IN NAVIGATION

44A. **Raising of or removal of wreck impeding navigation, etc.**—(1) If any mechanically propelled vessel or other vessel is wrecked, stranded or sunk in any inland water is or likely to be come obstruction, impediment or danger to the safe and convenient navigation or use of inland water or the landing place or embarkment or part thereof, any officer empowered by the State Goverument by notification in the Official Gazette in this behalf (hereafter in this Chapter referred to as competent officer) shall cause the vessel to be raised, removed, blown up or otherwise destroyed as the circumstances may warrant.

(2) If any property recovered by a competent officer acting under sub-section (1) is unclaimed or the person claiming it fails to pay reasonable expenses incurred by the competent officer under that subsection and a further sum of twenty-five per cent of the amount of such expenses, the competent officer may sell the property by public auction, if the property is of a perishable nature, forthwith, and if it is not of a perishable nature, at any time not less than two months after the recovery thereof.

(3) The expenses and further sum aforesaid shall be payable to the competent officer out of the sale proceeds of the property, and the balance shall be paid to the person entitled to the property recovered, or, if no such person appears and claims the balance, shall

be held in deposit for payment, without interest, to the person thereafter establishing his right thereto :

Provided that the person makes his claim within three years from the date of the sale.

(4) Where the sale proceeds of the property are not sufficient to meet the expenses and further sum aforesaid, the owner of the vessel at the time the vessel was wrecked, stranded or sunk shall be liable to pay the deficiency to the competent officer on demand, and if the deficiency be not paid within one month of such demand, the competent officer may recover the deficiency from such owner as if it were an arrear of land revenue.

44B. Removal of obstruction in inland water.—(1) The competent officer may remove, or cause to be removed, any timber, raft or other thing, floating or being in any part of the inland water, which in his opinion, obstructs or impedes the free navigation thereof or the lawful use of any landing place or embarkment or part thereof.

(2) The owner of any such timber, raft or other thing shall be liable to pay the reasonable expenses; of the removal thereof, and if such owner or any other person has without lawful excuse caused any such obstruction or impediment, or causes any public nuisance affecting or likely to affect such free navigation or lawful use, he shall also be punishable with fine which may extend to one hundred rupees.

(3) The competent officer or any magistrate having jurisdiction over the offence may cause any such nuisance to be abated.

44C. Recovery of expenses of removal :—If the owner of any such timber, raft or other thing, or the person who has caused any such obstruction, impediment or public nuisance, neglects to pay the reasonable expenses incurred in the removal thereof, within one week after demand or within fourteen days after such removal has been notified in the Official Gazette or in such other manner as the State Government may, by general or special order direct, the competent officer may cause such timber, raft or other thing or the materials of any public nuisance so removed, or so much thereof as may be necessary, to be sold by public auction and may retain all the expenses of such removal and sale out of the proceeds of the sale, and shall pay the surples of such proceeds or deliver so much of the thing or materials as may remain unsold, to the person entitled to receive the same and if no such person appears, shall cause the same to be kept and deposited in such manner as the State Government directs, and may, if necessary, from time to time, realise the expenses of keeping the same, together with the expenses of sale, or further sale of so much of the thing or materials as may remain unsold.

44D. Removal of lawful obstruction.— (1) If any obstruction or impediment to the navigation of any inland water has been lawfully made or has become lawful by reason of the long continuance of such obstruction or impediment or otherwise, the competent officer shall report the same for the information of the State Government and shall with the sanction of the State Government, cause the same to be removed or altered, making reasonable compensation to the person suffering damage by such removal or alteration.

(2) Any dispute arising out of or concerning such compensation shall be determined according to the law relating to like disputes in the case of land required for public purposes.

44E Fouling of Government moorings.—(1) If any mechanically propelled vessel hooks or gets fouled in any of the buoys or moorings laid down by or by the authority of the State Government in any part of inland water, the master of such vessel shall any other person. except in the case of emergency, lift the buoy or mooring for the purpose of unhooking or getting clear from the same without the assistance of the competent officer.

(2) The comptent officer immediately on receiving information of such accident, shall assist and superintend the clearing of such vessel and the master of the vessel-shall, on demand, pay such reasonable expenses as may be incurred in clearing the same.

(3) Any master or other person offending against the provisions of this section shall, for every such offence, be punishable with fine which may extend to one hundred rupees."

23. Amendment of section 45.—In section 45 of the prinical Act, after clause (b), the following olause shall be inserted namely:—

"(bb) if the holder of such certificate is proved to have deserted his vessel or has absented himself, without leave and without sufficient reason, from his vessel or from his duty; or."

24. Amendment of section 53.—In section 53 of the principal Act, in sub-section (5), for the words and figures "section 59 of the Code of Criminal Procedure, 1898", (5 of 1898). the words and figures "section 43 of the Code of Criminal Procedure, 1973" (2 of 1974). shall be substituted.

25. Amendment of section 54A.—In section 54A of the principal Act,—

(i) in sub-section (1), in clauses (a), (b) and (c), for the words "per mile", the words "per kilometre" shall be subsituted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) In case of any dispute relating to the fixation of the maximum or the minimum rate per kilometre which may be charged in

respect of any class of passengers or of freight on goods of any description carried in inland mechanically propelled vessel between any stations lying in two States, any one of the States may report the matter to the Central Government who shall decide the same"

26. **Insertion of new Chapter VIA.**—After Chapter VI of the principal Act, the following Chapter shall be inserted, namely :—

"CHAPTER VIA

(INSURANCE OF MECHANICALLY PROPELLED VESSELS AGAINST THIRD PARTY RISKS)

54C. Application of Chapter VIII of the Motor Vehicles act, 1939, in relation to the insurance of mechanically propelled vessels.— The provisions of Chapter VIII of the Motor Vehicles Act, 1939, (4 of 1939) shall *mutatis mutandis* apply, in relation to the insurance of mechanically propelled vessels against third party risks at they apply in relation to motor vehicles, subject to the following modifications, namely :—

(a) throughout in Chapter VIII,—

(i) references to " motor vehicle" or "vehicle" shall be construed as references to "mechanically propelled vessel";

(ii) references to " public place " shall be construed as references to "inland water",

and such other consequential amendments as the rules of grammar may require shall also be made :

(b) in section 94,—

(i) in sub-section (3), for clause (c), the following clause shall be substituted, namely:—

"(c) any State Water Transport Undertaking providing inland water transport service, where such Undertaking is carried on by—

(i) the Central Government or a State Government ;

(ii) any local authority or any corporation or company owned by the Central Government or one or more State Governments or by the Central Government and one or more State Government:",

(ii) in the *Explanation*, in item (iii), for the words "State Transport", the words "State Water Transport" shall be substituted ;

(c) in section 95,—

(i) in sub-section (1),—

(A) in clause (b), in sub-clause (ii), for the words "of a public service vehicle", the words and brackets "of a mechanically propelled vessel used or adapted to be used for the carriage of passengers for

hire or reward (hereinafter referred to as a public service vessel), shall be substituted,

(B) in the proviso, in clause (i), for sub-clauses (b) and (c), the following sub-clauses shall be substituted, namely :—

"(b) if it is a public service vessel, engaged as a conductor of the vessel or in examining tickets on the vessel, or

(c) if it is a vessel used or adapted for the carriage of goods solely or in addition to passengers (hereinafter referred to as goods service vessel), being carried in the vessel, or";

(ii) in sub-section (2),—

(A) in clause (a), for the words "goods vehicle, a limit of fifty thousand rupees", the words "goods service vessel a limit of two lakhs and fifty thousand rupees" shall be substituted,

(B) in clause (b),—

(1) in sub-clause (i), for the words "fifty thousand rupees", the words "two lakhs and fifty thousand rupees" shall be substituted;

(2) in sub-clause (ii),—

(a) in paragraph (3), for the words "one lakh", the words "five lakhs" shall be substituted;

(b) in paragraph (4), the words "where the vehicle is a motor cab, and five thousand rupees for each individual passenger in any other case" shall be omitted;

(C) in clause (d), for the words "a limit of rupees two thousand," the words "a limit of ten thousand rupees" shall be substituted;

(d) in section 96,—

(i) in sub-section (2), in clause (b),—

(A) for sub-clause (i), the following sub-clause shall be substituted, namely :—

"(i) a condition excluding the use of the mechanically propelled vessel—

(a) for hire or reward, where the vessel is on the date of the contract of insurance, a vessel not covered by a certificate of registration, or

(b) for organised racing or speed testing, or

(c) for a purpose not allowed by the certificate of registration under which the vessel is used, where the vessel is a public service vessel or a goods service vessel, or";

(B) in sub-clause (ii),—

(1) for words "not duly licensed", the words and figures "not holding a certificate granted under Chapter III of the Inland Vessels Act, 1917" (1 of 1917) shall be substituted,

(2) for the words "a driving licence", the words and figures "a certificate granted under Chapter. III of the Inland Vessels Act, 1917" (1 of 1917) shall be substituted;

(ii) in sub-section (2A), after the words "obtained from a Court", the words "in the State of Jammu and Kashmir or, shall be inserted;

(iii) in the proviso to sub-section (2A) and in sub-section (6), after the words "corresponding law", the words "of the State of Jammu and Kashmir or" shall be inserted;

(e) after section 105, the following section shall be inserted, namely :—

"**105A. Duty of driver in case of accident and injury to a person.**—When any person is injured or any property of third party is damaged as a result of an accident in which an inland mechanically propelled vessel is involved, the master or the driver of the vessel or other person in charge of the vessel shall—

(a) take all reasonable steps to secure medical attention for the injured person, and, if necessary, convey him to the nearest hospital, unless the injured person or his guardian in case he is a minor, desires otherwise;

(b) give on demand by a police officer any information required by him, or, if no police officer is present, report the circumstances of the occurrence at the nearest police station as soon as possible, and in any case within twenty-four hours of the occurrence";

(f) in section 106,—

(A) in sub-section (2), for the word and figures "section 89", the word, figures and letter "section 105A" shall be substituted;

(B) in sub-section (2A), in the proviso, for the words "transport vehicle", the words "public service vessel or goods service vessel" shall be substituted;

(g) in section 107, for the words "whether by payment of a tax or otherwise for authority to use the vehicle in a public place to produce such evidence as may be prescribed by those rules to the effect that either", the words "for a certificate of survey or a certificate of registration in respect of such vessel to produce such evidence as may be prescribed to the effect that either" shall be substituted;

(h) in section 108,—

(A) for the words "transport vehicle", wherever they occur, the words "public service vessel or goods service vessel" shall be substituted, and such other consequential amendments as the rules of grammar may require shall also be made;

(B) in sub-section (1), in clause (a),—

(1) for the words "twenty-five thousand rupees for the first fifty

vehicles", the words "one lakh rupees for the first fifty mechanically propelled vessels" shall be substituted.

(2) for the words "one hundred and fifty thousand rupees", the words "two lakhs and fifty thousand rupees" shall be substituted;

(j) for section 110 to section 110B, the following sections shall, respectivly, be substituted, namely :—

"110. **Claims Tribunals.**—(1) The State Government may, by notification in the Official Gazette, constitute one or more Inland Vessels Accidents Claims Tribunals (hereinafter referred to as the Claims Tribunals) for such area as may be specfied in the notification for the purpose of adjudicating upon claims for compensation in respect of accidents involving the death of, or bodily injury to persons arising out of the use of mechanically propelled vessels or damage to any property of a third party so arising, or both.

Provided that where such claim includes a claim for compensation in respect of damage to propety exceeding rupees ten thousand the claimant may, at his option, refer the claim to a civil court for adjudication and where a reference is so made, the Claims Tribunal shall have no jurisdiction to entertain any question relating to such claim.

(2) A Claims Tribunal shall consist of such number of members as the State Government may think fit to appoint and whers it consists of more members, one of them shall be appointed as the Chairman thereof.

(3) A person shall not be qualified for appointment as a member of a Claims Tribunal unless he—

(a) is, or has been, a judge of a High Court, or
(b) is, or has been, a District Judge, or
(c) is qualified for appointment as a Judge of the High Court.

(4) Where two or more Claims Tribunals are constituted for any area. the State Government may, by general or special order, regulate the distribution of business among them.

110A. Application for compensation.—(1) An application for compensation arising out of an accident of the nature specified in subsection (1) of section 110 may be made—

(a) by the person who has sustained the injury, or

(b) where death has resulted from the accident, by all or any of the legal representatives of the deceased, or

(c) by any agent duly authorised by the person injured or al or any of the legal representatives of the deceased, as the case may be ;

Provided that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal

representatives of the deceased and the legal representatives who have not so joined, shall be impleaded as respondents to the application.

(2) Every application under sub-section (1) shall be made to the Claims Tribunal having jurisdiction over the area in which the accident occurred, and shall be in such form and shall contain such particulars as may be prescribed.

(3) No application for compensation under this section shall be entertained unless it is made within six months of the occurrence of the accident ;

Provided that the Claims Tribunal may entertain the application after the expiry of the said period of six months if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.

110AA. Option regarding claim for compensation in certain cases- Notwithstanding anything contained in the Workmen's Compensation Act, 1923, (8 of 1923) where the death or bodily injury to any person gives rise to a claim for compensation under this Act and also under the Workmen's Compensation Act, 1923, the person entitled to compensation may claim such compensation under either of those Acts but not under both.

110B. Award of Claims Tribunal.—On receipt of an application for compensation made under section 110A, the Claims Tribunal shall, after giving the parties an opportunity of being heard, hold an inquiry into the claim and may make an award determining the amount of compensation which appears to be just and specifying the person or persons to whom compensation shall be paid ; and in making the award the Claims Tribunal shall specify the amount which shall be paid by the insurer or owner or master or driver of the vessel involved in the accident or by all or any of them, as the case may be :

(j) in section 110C, for the words, figures and letters "section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898", (5 of 1898) the words, figures and letters "section 195 and Chapter XXVI of the Code of Criminal Procedure; 1973(2 of 1974) shall be substituted.;

27 **Amendment of section 58.**—In section 58 of the prinicipal Act, for the words "ten rupees", the words "one hundred rupees' shall be substituted.

28. **Insertion of new section 58A.** After section 58 of the principal Act, the following section shall be in serted namely.—

"58A. **Penelty for carrying excessive quantity of on board.** If an inland mechanically propelled vessel has on board or in any part there of cargo which is in excess of the cargo set forth in the certificate of survey as the quantity of cargo which the vessel or the part there is, in the judgment of the surveyor, fit to carry, the owner and the master shall , each, in addition to the penalty to which he may be liable under the provisions of section 58, be punishable with fine whichmay extend—

(a) in the case of first offence, to five hundred rupees;

• (b) inthe case of any second or subsequent offence, to one thousand rupees."

29. **Insertion of new sections after 'section 62.**—After section 62 of the principle Act, the following sections shall be inserted, namely:—

"62A. **Punishment for offences relating to accident**.—If the master or the driver or the other persons in charge of the inland mechanically propelled vessels fails to report an accident in which his vessels is involved as required under Chapter VIA, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both, or, if having been previously convicted of an offence under this section, with imprisonment for a term whic may extend to six months, or with fine which may extend to one thousand rupees, or with both.

62B. **Penalty for using uninsured mechanically propelled vessel**.—If any person uses a mechanically propelled vessel or causes or allows a mechanically propelled vessels to be used without a policy of insurance complying with the requirements of Chapter VIA, he sh all be punishable with fine which may extend to one thousand rupees.

62C. **Penalty for neglect or refusal to give information as to insurance or to produce certificate of insurance**.—If any person without reasonable cause neglets or refuses to give information as to insurance or to produce the certificate of insurance under the provisions contained in Chapter VIA, he shall be punishable with fine which may extend to one hundred rupees"

30. **Insertion of new sections after section 63.**—Section 63A of the peincipal Act shall be renumbered, as section 63D and before section 63D as so renumbered, the following sections shall be instered, namely :—

"63A. **Desertion and absence without leave**.—If any person employeed or engaged in any capacity on board a mechanically propelled vessel commits any of the following offences, he shall be liable to be punished summarily as follows :—

(a) if he deserts from his mechanically propelled vessel, he shall be guilty of the offence of desertion and be liable to forfeit all or any of the property he leaves on board of the vessel and of wages he has then earned and also to imprisonment which may extend to three months ;

(b) if he neglects or refuses, without reasonable cause, to join his mechanically propelled vessel or to proceed on any voyage in his vessel or is absent without leave at any time within twenty-four hours of the vessel sailing from a port or that either at the commencement or during the progress of a voyage or is absent at any time without leave and without sufficient reason from his vessel or from his duty, he shall, if affence does not amount to desertion or is not treated as such by the matter, be

guilty of the offence of absence without leave and be liable to forfeit out of his wages a sum not exceeding two day's pay and in addition for every twenty-four hours of absence either a sum not exceeding six day's pay or any expenses properly incurred in hiring a substitute and also to imprisonment which may extend to two months.

63 B. **General offences against discipline:**—If any person employed or engaged in any capacity on board a mechanically propelled vessel commits any of the following offences, he shall be guilty of an offence against discipline and he shall be liable to be punished summarily as follows :—

(*a*) if he quits the mechanically propelled vessel without leave after her arrival at the port of ghat or port or port or ghat of delivery, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay ;

(*b*) if he is guilty of wilful disobedience to any lawful command or neglect of duty, he shall be liable to forfit out of his wages a sum not exceeding two day's pay ;

(*c*) if he is guilty of continued wilful disobedience to lawful command or continued wilful neglect of duty, he shall be liable to imprisonment which may extend to one month and also to forfeit over every twenty-four hours continuance of disobedience or neglect either a sum not exceeding six day's pay or any expenses properly incurred in hiring a substitute ;

(*d*) if he assaults the master or any other officer of the vessel, he shall be liable to imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both ;

(*e*) if he combines with any of the officers to disobey to lawful commands or to neglect duty or to impede the navigation of the vessel or retard the progress of the voyage, he shall be liable to imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both ;

(*f*) if he wilfully damages his mechanically propelled vessel or commits criminal misappropriation or breach of trust in respect of or wilful damages to any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal to the loss sustained and also imprisonment which may extend to three months.

63 C. **Entry of offence in official log-book** :—If any offence within the meaning of this Act of desertion or absence without leave or against discipline is committed or if any act of misconduct is committed for which the offender's agreement imposes fine and it is intended to enforce the fine,—

(*a*) an entry of the offence or acts shall be made in the official log-book and signed by the master and one of the persons employe or engaged in any capacity on board of the mechanically propelled vessel ;

(*b*) the offender shall be furnished with a copy of the entry and

have the same read over distinctly and audibly to him and may thereupon make such reply thereto as he thinks fit ;

(*c*) a statement of a copy of the entry having been so furnished and entry having been so read over and the reply if any, made by the offender shall likewise be entered and signed in the manner aforesaid ;

(*d*) in any, subsequent legal proceedings the entries by this section required shall, if practicable, be produced or proved, and in default of such production or proof, the court hearing the case may in its discretion refuse to receive evidence of the offence or act of misconduct''.

31. **Substitution of new Section for section 69** :—For section 69 of the principal Act, the following section shall be substituted, namely :—

'**Exemption to Government vessels from fees** :—''69. The State Government may, by notification in the Official Gazette, exempt all or any mechanically propelled vessel belonging to or in the service of Government from payment of any fees payable by or under this Act''

32. **Amendment of Section 72A** :—In Section 72A of the principal Act,—

(*i*) for the words ''of a province in Pakistan''; the words ''of Bangladesh'' shall be substituted ;

(*ii*) for the words ''that Dominion'', the words ''that country'' shall be substituted.

33. **Omission of Section 73** :—Section 73 of the principal Act shall be omitted.

34. **Amendment of section 74** :—In Section 74 of the principal Act.—

(*i*) in sub-section (1), for the words ''on a State Government'', the words ''on the Central Government or a State Government'' shall be substituted.

(*ii*) after sub-section (2), the following sub-section shall be inserted, namely :—

''(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice validity of anything previously done under that rule''.

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